

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Revision No. 4955 of 2015 (O&M)
Date of decision: 6.8.2015

Sumer Singh

.. Petitioner

v.

Satbir Singh

.. Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Sushil Sheoran, Advocate for the petitioner.

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Rajesh Bindal J.

Challenge in the present petition is to the order dated 15.7.2015, passed by the court below, whereby the application filed by the petitioner for reviewing the order dated 2.1.2012 striking off his defence on account of non-filing of written statement, was dismissed.

In the case in hand, the suit was filed by the respondent against the petitioner-defendant on 9.8.2011, in which the petitioner had put in appearance on 19.9.2011. When despite grant of last opportunity and even imposition of cost, neither the cost was paid nor written statement was filed, defence of the petitioner was struck off vide order dated 2.1.2012. The order was not challenged. The petitioner continued to appear in the suit. On 5.8.2013, he was proceeded against ex-parte. The application for setting aside of ex-parte proceedings was filed on 8.10.2013, which was allowed on 2.8.2014, subject to payment of cost of ₹ 2,000/-, which was paid. More than three months thereafter, on 8.11.2014, the application for review of the order dated 2.1.2012 striking off the defence of the petitioner on account of non-filing of written statement and non-payment of cost, was filed, which

was dismissed by the court below vide impugned order dated 15.7.2015.

Considering the fact that the order dated 2.1.2012, vide which defence of the petitioner was struck off on account of non-filing of the written statement was not challenged by the petitioner immediately thereafter, no application seeking review of that order could possibly be entertained by the court below more than 2 years and 10 months thereafter. The application has rightly been dismissed. There is no merit in the present petition. Accordingly, the same is dismissed.

(Rajesh Bindal)
Judge

6.8.2015
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